

REMARKS

This paper responds to the Office Action mailed on August 2, 2005. No claims are amended, claims 1, 2, 9, 10, 12, 13, 16, 19 and 20 are canceled without prejudice or disclaimer, and no claims are added; as a result, claims 3-8, 11, 14-15, 17-18, and 21-35 are now pending in this application.

Applicant renames the last claim submitted with the prior response as there were duplicate claims designated by the number “34.” The claim that used the duplicate number “34” is now designated claims “35”. If any additional claim fees are due, kindly charge Deposit Account No. 19-0743.

§102 Rejection of the Claims

Claims 1, 2, 9, 10, 12, 13, 16, 19 and 20 were rejected under 35 U.S.C. § 102(b) for anticipation by Snell et al. (U.S. 4,791,936). Applicant herein cancels claims 1, 2, 9, 10, 12, 13, 16, 19 and 20 without prejudice or disclaimer. Accordingly, the rejection of these claims is now moot.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 3-8, 11, 14, 15, 17, 18 and 21-34. Note that there were two claims numbered 34 in the prior response. Each of these claims was dependent on allowed claim 17. It is believed that both of these claims are allowable.

Related Applications

Applicant notes that commonly owned application 09/738,868, which was listed in a Communication Concerning Related Applications has now issued as U.S. Patent No. 6,941,167. Moreover, a continuation application (serial no. 11/115,618) claiming priority to the ‘868 application was filed and is pending.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/687,433

Filing Date: October 16, 2003

Title: SYSTEM AND METHOD FOR CORRELATION OF PATIENT HEALTH INFORMATION AND IMPLANT DEVICE DATA

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Dkt: 279.347US2

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 2 Dec '05

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2 day of December, 2005.

Name

Peter Rebuffoni

Signature

